



**COPY**  
**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**  
Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119  
ph: (801) 977-4300; Fax: (801) 977-4397  
[www.ut.blm.gov/saltlake\\_fo](http://www.ut.blm.gov/saltlake_fo)

0002 50030072  
cc: Wayne



In Reply Refer To:  
2800  
UTU-81125  
(UT-023)

**RECEIVED**

**FEB 05 2009**

**DIV. OF OIL, GAS & MINING**

**FEB 2 2009**

Certified Mail No. - 7007 1490 0000 0216 1721  
Return Receipt Requested

**DECISION**

**Application Processing Fee Category Determined**

Mitch Johnson  
Oakley Mountain Corporation  
P O Box 27  
Oakley, Idaho 83346

Re: Green Beetle Quarry Surface Use ROW

Dear Mr. Johnson:

We are in receipt of your right-of-way application filed December 22, 2008 for surface use for a quarry on Public Lands in Box Elder County, Utah under authority of Title V of the Federal Land Policy and Management Act, as amended. In future correspondence with this office, we ask that you refer to the BLM serial number UTU-81125.

The cost reimbursement provisions of 43 CFR 2804.14 and 2884.12, establish a cost recovery fee schedule for processing fees. It has been determined that your application falls under Category IV. Under this category, you are required to pay a non-refundable application processing fee in the amount of \$1,040.00 before we can take further action on your application.

Therefore, you need to submit \$1,040.00 to the DOI-Bureau of Land Management, at the address shown above, within 30 days of receipt of this decision. Please note that a category determination may be changed to Category VI at any time it is determined that an Environmental Impact Statement is required.

We also require that you amend your Reclamation Plan to include the following additional information:

1. Estimated time required to complete reclamation of the quarry, loading site and access road to the standards outlined in your reclamation plan and as required by BLM.
2. Estimated cost of completing all required reclamation as outlined in your reclamation plan and as required by BLM.
3. Acknowledgement in items 1 and 2 above that you may be required to undertake a second re-seeding after the first re-seeding has been evaluated for one growing season and it is determined by the BLM that an additional re-seeding would be beneficial.

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You should also be aware that although we will continue to process your application for a renewal of the subject right-of-way, a new right-of-way cannot be issued until you reclaim the northwest quarry as previously agreed and BLM approves the reclamation work.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

Please note, however, that under the regulations in 43 CFR 2801.10 and 2881.10, this decision is effective even if an appeal is filed. We shall commence processing of your application as soon as we receive the required fees. If an appeal is filed, this money will be held in escrow until the appeal is resolved.

If you have any questions, please contact Dave Watson, Realty Specialist, at the above address or call (801) 977-4368.

Sincerely,



Michael G. Nelson  
Assistant Field Manager  
Nonrenewable Resources

Enclosures:

1 - Appeals Information (Form #1842-1)